

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one applicable item below)*

- ☒ original
☐ design
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
☐ continuation
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor *(if only one name is listed below)* or an original, first and joint inventor *(if plural names are listed below)* of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

TROCAR SYSTEM AND METHOD OF USE

SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

- (a) ☐ is attached hereto.
- (b) ☒ was filed on March 16, 2000 as ☒ Serial No. 09/526,837 or ☐ Express Mail No., as Serial No. not yet known _____ and was amended on _____ *(if applicable)*.

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ *(if any)*.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

PRIORITY CLAIM (35 U.S.C. §119)(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☒ no such applications have been filed.
- (e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

09981178-101601

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

____/____/____

____/____/____

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

09581178-101601

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*)

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253; DAVID M. CARTER, Reg. No. 30,949; PAUL J. FARRELL, Reg. No. 33,494; PETER DELUCA, Reg. No. 32,978; JEFFREY S. STEEN, Reg. No. 32,063; JOSEPH W. SCHMIDT, Reg. No. 36,920; RAYMOND E. FARRELL, Reg. No. 34,816; ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375; RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; JAMES M. LOEFFLER, Reg. No. 37,873; EDWARD C. MEAGHER, Reg. No. 41,189; SUSAN L. HESS, Reg. No. 37,350; MICHAEL P. DILWORTH, Reg. No. 37,311; PETER B. SORELL, Reg. No. 44,349; GLENN D. SMITH, Reg. No. 42,156; MICHAEL E. CARMEN, Reg. No. 43,533; HAROLD G. FURLOW, Reg. No. 43,621; KEVIN C. ECKER, Reg. No. 43,600; THEODOSIOS THOMAS, Reg. No. 45,159; DANIEL E. TIERNEY, Reg. No. 33,461; and, MICHAEL J. MUSELLA, Reg. No. 39,310, each of them of DILWORTH & BARRESE, LLP, 333 Earle Ovington Boulevard, Uniondale, New York 11553; and, NEIL D. GERSHON, Reg. No. 32,225; MARK FARBER, Reg. No. 34,159; LAWRENCE CRUZ, Reg. No. 36,385; and DAVID KORIS, Reg. No. 30,908, each of them of UNITED STATES SURGICAL CORPORATION, 150 Glover Avenue, Norwalk, Connecticut 06856.

SEND CORRESPONDENCE TO:

Neil D. Gershon, Esq.
DILWORTH & BARRESE
333 Earle Ovington Boulevard
Uniondale, New York 11553

DIRECT TELEPHONE CALLS TO: (Name and telephone number)

Neil D. Gershon, Esq.
(516) 228-8484

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor Gene Stellan

Inventor's signature Gene Stellan

Date 4-24-2000 Country of Citizenship U.S.

Residence Southington, Connecticut

Post Office Address 368 Savage Street, Southington, Connecticut 06849

Full name of second joint inventor, if any David C. Racenet

Inventor's signature David C. Racenet

Date 4/24/00 Country of Citizenship U.S.

Residence Southbury, Connecticut

Post Office Address 1153 Bullet Hill Road, Southbury, Connecticut 06488

Full name of third joint inventor, if any Ralph A. Stearns

Inventor's signature Ralph Stearns

Date 4/24/2000 Country of Citizenship U.S.

Residence Bozrah, Connecticut

Post Office Address 38 South Road, Bozrah, Connecticut 06334

Full name of fourth joint inventor, if any Adam Lehman

Inventor's signature Adam Lehman

Date 4/24/2000 Country of Citizenship U.S.

Residence Wallingford, Connecticut

Post Office Address 183 South Orchard Street, Wallingford, Connecticut 06492

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION**

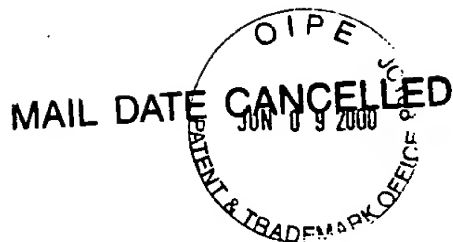
- ☐ Signature for subsequent joint inventors.
Number of pages added ____.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.
Number of pages added ____.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. §1.47.
Number of pages added ____.

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.
Number of pages added ____.

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

- ☒ This declaration ends with this page.



Attorney Docket No. 203-2519 (2334)

PATENT

For: ☒ U.S. and/or ☒ Foreign Rights
For: ☒ U.S. Application or ☐ U.S. Patent
By: ☒ Inventor(s) or ☐ Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR: Gene Stellan
David C. Racenet
(Inventor(s) or Ralph A. Stearns
Adam Lehman
person(s) or entity(es)
who own the invention)

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on _____

Reel _____

Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

United States Surgical Corporation

(Type or print name of ASSIGNEE)

150 Glover Avenue

Address

Norwalk, Connecticut 06856

US

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

☒ the entire right, title and interest

☐ an undivided _____ percent (____%) interest for the United States and its territorial possessions

(check the following box if foreign rights are also to be assigned)

☒ and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

TROCAR SYSTEM AND METHOD OF USE

(check and complete (a), (b), (c), (d), (e) or (f))

and which is found in

- (a) ☐ U.S. patent application executed on even date herewith.
(b) ☐ U.S. patent application executed on _____
(c) ☒ U.S. Application Serial No. 09/526,837 filed on March 16, 2000
(d) ☐ U.S. Patent No. _____ issued _____
(e) ☐ U.S. Provisional Patent Appln. Ser. No. _____ filed on _____
(f) ☐ PCT Application No. _____ filed on _____

☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (g) if foreign application(s) is also being assigned)

(g) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, continuation in part, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this _____ (Date of signing).

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

Gene Stellan
Gene Stellan

4-24-2000
Dated

David C. Racenet
David C. Racenet

4/24/00
Dated

Ralph A. Stearns
Ralph A. Stearns

4/24/2000
Dated

Adam Lehman
Adam Lehman

4/24/2000
Dated

If ASSIGNOR is a legal entity complete the following information

Type or print the name of the above person
authorized to sign on behalf of ASSIGNOR

Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

STATE OF Connecticut
COUNTY OF new Haven

On this 24th day of April, 2000, before me personally appeared Gene Stellan to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Lauri A. Kikosicki
Notary Public 1-31-02

STATE OF Connecticut
COUNTY OF new Haven

On this 24th day of April, 2000, before me personally appeared David C. Racenet to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Lauri A. Kikosicki
Notary Public 1-31-02

STATE OF Connecticut
COUNTY OF new Haven

On this 24th day of April, 2000, before me personally appeared Ralph A. Stearns to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Lauri A. Kikosicki
Notary Public 1-31-02

09981178 101601

STATE OF *Connecticut*

COUNTY OF *New Haven*

On this *24th* day of *April*, 20*00*, before me personally appeared Adam Lehman to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Ram A. Kikosucki
Notary Public *1-31-02*

STATE OF

COUNTY OF

On this day of , 20 , before me personally appeared to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Notary Public

STATE OF

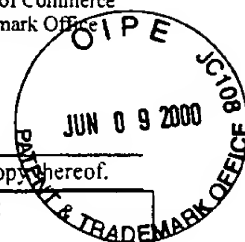
COUNTY OF

On this day of , 20 , before me personally appeared to me personally known and known to me to be the person who signed the foregoing assignment and acknowledged the signing of same as his free act and deed.

Notary Public

09981178 "101601

RECORDATION FORM COVER SHEET PATENTS ONLY



To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copies thereof.

<p>1. Name of conveying party(ies):</p> <p>Gene A. Stellan David C. Racenet Ralph A. Stearns Adam Lehman</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies):</p> <p>Name: United States Surgical Corporation, a division of Tyco Healthcare Group LP 150 Glover Avenue Norwalk, CT 06856</p> <p>Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: April 24, 2000</p>	
<p>4. Application number(s) or patent number(s): 09/526,837</p> <p>If this document is being filed together with a new application, the execution date of the application is: _____</p>	
<p>A. Patent Application No.(s)</p> <p style="text-align: center;">09/526,837</p>	<p>B. Patent No.(s)</p>
<p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: Lawrence Cruz Tyco Healthcare Group LP 150 Glover Avenue Norwalk, CT 06856</p>	<p>6. Total number of applications and patents involved: (1)</p> <p>7. Total fee (37 CFR 3.41).....\$40.00</p> <p><input type="checkbox"/> Enclosed</p> <p><input checked="" type="checkbox"/> Authorized to be charged to deposit account</p> <p>8. Deposit account number: 21-0550</p> <p style="font-size: small;">(Attached duplicate copy of this page if paying by deposit account)</p>
<p>DO NOT USE THIS SPACE</p>	
<p>9. Statement and signature.</p> <p><i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p>	
<p>Lawrence Cruz</p> <p>Name of Person Signing</p>	<p style="text-align: center;"></p> <p style="text-align: center;">Signature</p> <p style="text-align: right;">June 7, 2000</p> <p style="text-align: right;">Date</p>
<p>Total number of pages comprising cover sheet <u>7</u></p>	

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

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06-16-2000

Form PTO-1595
1-31-92



U.S. Department of Commerce
Patent and Trademark Office


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PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Gene A. Stellan David C. Racenet Ralph A. Stearns Adam Lehman <i>Handwritten: MFD 6-9-00</i>		2. Name and address of receiving party(ies): Name: United States Surgical Corporation, a division of Tyco Healthcare Group LP 150 Glover Avenue Norwalk, CT 06856	
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: April 24, 2000			
Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4. Application number(s) or patent number(s): 09/526,837 If this document is being filed together with a new application, the execution date of the application is: _____			
A. Patent Application No.(s) 09/526,837		B. Patent No.(s) 	
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Name and address of party to whom correspondence concerning document should be mailed: Name: Lawrence Cruz Tyco Healthcare Group LP 150 Glover Avenue Norwalk, CT 06856		6. Total number of applications and patents involved: [1]	
		7. Total fee (37 CFR 3.41)..... \$40.00	
		[] Enclosed	
		[X] Authorized to be charged to deposit account	
		8. Deposit account number: 21-0550	
		(Attached duplicate copy of this page if paying by deposit account)	
DO NOT USE THIS SPACE			
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>			
Lawrence Cruz		<i>Handwritten signature</i>	
Name of Person Signing		Signature	
		Date	
		June 7, 2000	
Total number of pages comprising cover sheet <u>7</u>			

Mail documents to be recorded with required cover sheet information to:

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Washington, D.C. 20231

06/12/2000 JADD01 00000020 210550 09526837

02 FC:581 40.00 CH



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AUGUST 07, 2000

PTAS

TYCO HEALTHCARE GROUP LP
LAWRENCE CRUZ
150 GLOVER AVENUE
NORWALK, CT 06856



101382126A

2334

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

AUG 15 2000

LEGAL
U.S. PATENT AND TRADEMARK OFFICE

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/09/2000

REEL/FRAME: 010849/0206
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
STELLON, GENE A.

DOC DATE: 04/24/2000

ASSIGNOR:
REACENET, DAVID C.

DOC DATE: 04/24/2000

ASSIGNOR:
STEARNS, RALPH A.

DOC DATE: 04/24/2000

ASSIGNOR:
LEHMAN, ADAM

DOC DATE: 04/24/2000

ASSIGNEE:
UNITED STATES SURGICAL
CORPORATION, A DIVISION OF TYCO
HEALTHCARE GROUP LP
150 GLOVER AVENUE
NORWALK, CONNECTICUT 06856

010849/0206 PAGE 2

SERIAL NUMBER: 09526837
PATENT NUMBER:

FILING DATE: 03/16/2000
ISSUE DATE:

JEEVON JONES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS